IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.1758 of 2007

Shri Anil Agarwal & ors. Petitioners
Vs.
State of Maharashtra & anr. Respondents

Mr.Sanjay Gupta with Mr.Nooroddin Dhilla i/b. M/s. Hariani & Co. for petitioners.
Mr.M.S.Mohite for resp.no.2.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

November 1, 2007.

P.C.

. Heard the learned for the petitioners and the learned counsel for the respondent no.2. The learned APP appears for the State.

. The FIR which came to be registered consequent to the order passed under Section 156(3) of Cr.P.C. by the learned Judicial Magistrate, First Class at Pune on 12/9/2002 has subsequently led to the order of issuance of process passed on 29/5/2007 and, therefore, challenge to the earlier orders passed by the learned Judicial Magistrate First Class on 12/9/2002 and 3/8/2005 can be gone into while examining the challenge to the order of issuance of

process dated 29/5/2007.

. This Court in the case of V.K. Jain and ors. Vs. Pratap V. Padode and anr. **[2005 (3) Mh.L.J. 778]** has held that when an efficacious alternative remedy is available before the Sessions Court under Section 397 of Cr.P.C. to challenge the order of issuance of process, an application invoking inherent powers under Section 482 of Cr.P.C. need not be entertained and unless such alternative remedy is exhausted.

. The petition is, therefore, disposed with liberty to approach the Sessions Court at Pune under Section 397 of Cr.P.C. and if such revision application is filed within a period of two weeks from today, the petitioners are exempted from appearance before the learned Judicial Magistrate, First Class on the next date i.e. 6/11/2007.

(B.H.MARL